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CITY PLANNING COMMISSION  
SACRAMENTO, CALIFORNIA  
MEMBERS IN SESSION:

ITEM # \_\_\_\_\_  
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P00-077 - Sun Meadow Retirement Community

- REQUEST:
- A. Environmental Determination: Negative Declaration
  - B. Mitigation Monitoring Plan
  - C. Tentative Map to create 136 parcels for construction of single family homes and common lots on 12.17 net vacant acres in the Single Family Alternative (R-1A) zone
  - D. Subdivision modification to reduce the required public utility easement (PUE) from 12.5' to 10'
  - E. Special Permit to construct 136 age-restricted single family homes on 12.17 net acres in the Single Family Alternative (R-1A) zone
  - F. Special Permit to construct a gated community for 136 single family homes

LOCATION: South side of Sunmeadow Drive at Valley Wind Way  
APN: 119-0220-062  
South Sacramento Community Plan Area  
Sacramento Unified School District  
Council District 8

APPLICANT:	Bridgette Williams, Nolte Associates, Inc., (916) 641-9161 1750 Creekside Oaks Drive, Suite 200 Sacramento, CA 95833-3648
OWNER:	Allen Warren, New Faze Development 3187 Del Paso Blvd Sacramento, CA 95815
PLANS BY:	Rose's Engineering 9070 Elk Grove Blvd Elk Grove, CA 95624

APPLICATION FILED: June 2, 2000

STAFF CONTACT: Fedolia "Sparky" Harris, Associate Planner (916) 264-2996

SUMMARY:

Applicant, New Faze Development, Inc. proposes to develop a gated subdivision for seniors in the South Sacramento Community Plan Area consisting of 136 single family homes, a recreation center, and one vehicle storage lot on currently vacant property in the single family alternative zone. The basic issues are (1) the request to provide narrower than normal easements for underground public utilities beneath the private streets of the development and (2) the creation of a gated community and (3) reduction of the minimum setbacks to allow for a more dense development.

RECOMMENDATION:

**Staff recommends approval of the project subject to conditions.** The project is consistent with the adopted General Plan and the South Sacramento Community Plan. Sun Meadow will provide affordable home ownership opportunities to seniors in an area that has lacked significant new housing opportunities. Narrower utility easements proposed by the applicant provide adequate right of way for the necessary public utility easements and allow for smaller lots to maintain for seniors.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential 4 -15 du/na
Community Plan Designation:	Residential 7-15 du/na
Existing Land Use of Site:	Vacant
Existing Zoning of Site:	Single Family Alternative R-1A

Surrounding Land Use and Zoning:

North:	use; R-1A	Residential
South:	use; R-1	Residential
East:	use; R-1A	Vacant
West:	use; R-1A	Residential

Setbacks:

	Required <small>(based on R-1 zone)</small>	Plan A <small>(based on 40x80 lot)</small>	Plan B <small>(based on 40x80 lot)</small>	Plan C <small>(based on 40x80 lot)</small>	Plan D <small>(based on 55x58 lot)</small>
Front	25'	10'	6'	12'	9'
Street side	12.5'	5'	5'	8'	5'
Internal side	5'	0'	1'	0'	5'
Rear	15'	6'	6'	15'	6'

Property Dimensions:	950' x 900'
Property Area:	19.95± gross acres 12.17± net acres
Density of Development:	11 dwelling units per net acre
Lot Dimensions:	55' x 59' to 52' x 150' irregular
Lot Area:	3,245 sq ft to 6,300 sq ft
Square Footage of Buildings:	Plan A - 1,510 sq ft Plan B - 1,293 sq ft Plan C - 1,160 sq ft Plan D - 1,405 sq ft
Height of Building:	15 feet, 1 story
Exterior Building Materials:	Stucco and brick
Roof Material:	Composition
Hours of Operation:	24 hours
Parking Provided:	238 off-street spaces for General Single-family (75% of lots with 2-car garages, 25% with 1-car garages) 53 off-street spaces for the Community Center
Parking Required:	136 off-street spaces for General Single-family 35 off-street spaces for the Community Center
Topography:	Flat
Street Improvements:	To be provided
Utilities:	To be provided

**OTHER APPROVALS REQUIRED:** In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Encroachment Permit	Public Works, Development Services
Driveway Permit	Public Works, Development Services
Building Permit	Building Division
Final Map	Public Works, Development Services
Clean Water Act Section 404 Permit	Dept of the Army, Corps of Engineers

**BACKGROUND INFORMATION:**

1980: the subject site was zoned Multi-Family (R-3-R) (P-9070)  
 1983: the property was divided into two parcels (P83-341)  
 1985: a development plan for 486 apartments and a daycare center was approved but never came to fruition  
 1986: the City Council directed staff to rezone the property to Single-Family Alternative (R-1A) (P86-377)

- 1991: on January 24<sup>th</sup> a Tentative Map to subdivide the subject property into 128 single family lots was approved and a special permit was granted to develop 128 single family homes on petite lots. On April 21 the subject property was amended from Medium Density Residential to Low Density Residential in the General Plan and from Residential 11-29 du/na to Residential 7-15 du/na in the South Sacramento Community Plan (P90-385)
- 1993: on February 18<sup>th</sup> the Tentative Map approved in 1991 was extended for two years and a special permit to develop 131 single family homes was granted (P93-031).
- Current: The previously approved Tentative Map has since expired and the site remains vacant. The land remains zoned Single Family (R-1A) with a Low Density Residential General Plan designation and a Residential 7-15 du/na community plan designation. The applicant proposes to divide the subject property into 136 single-story single family lots for seniors within a gated community. The configuration of the lots takes advantage of the higher densities allowed by the R-1A zone and the narrower PUE allows for such density while also acknowledging the lower traffic expectations for a seniors community. On-street parking will be prohibited within the community with common lots for visitors provided. Three of the four house plans provide for zero lot lines again to attain higher densities and to provide smaller yards requiring less maintenance time and effort by the senior residents of the community.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The Sun Meadow Project is consistent with both the existing General Plan and the South Sacramento Community Plan in terms of land use. Both Plans envision the subject property as low density residential development and the proposed project comes in at a density of 11 dwelling units per acre.

B. Tentative Map Design

The applicant proposes a Tentative Map for the subject property which creates 136 residential lots with one gated entrance/exit point to the development and one gated exit-only point. The lots are small, often with zero lot lines to provide for a more dense community and less land for seniors to maintain. Lot sizes are generally either 55' x 59' or standard 40' x 80' with some irregular shaped lots near cul-de-sacs and corners. The street pattern is a modified grid which enhances circulation by providing relatively direct routes to all of the units. The applicant proposes to prohibit on-street parking and provides sidewalks on the private streets within the development thereby enhancing the

pedestrian-friendly nature of the subdivision. A 3,500 sq ft community center with an outdoor recreation and swimming pool is included as part of the tentative map for the enjoyment of the future residents. Councilmember Pannell expressed concern about the size of the recreation area proposed by the applicant. In response, the applicant removed three residential lots from the draft tentative map to allow for a larger recreational area.

C. Subdivision Modifications

A subdivision modification is being sought by the applicant to allow for a 10' public utility easement as opposed to the required 12.5' easement. The modification is necessary because the development is designed with narrower than standard streets. The public utility easements in question are below the private streets of the development. The applicant agrees to prohibit on street parking in the development thereby requiring a narrower right-of-way and allowing for greater housing density in the community. Staff has corresponded with the relevant City departments and utility providers. Both SMUD and PG&E have agreed to the narrower public utility easement.

D. Special Permit for Residential Units

As part of the special permit sought, the applicant seeks to construct 136 single family homes in the Single Family Alternative (R-1A) Zone. "A special permit granted by the planning commission is required by any development within the R-1A zone....In granting said special permit, the commission may modify any of the provisions of Title 16 of [the Sacramento City] code...." Sacramento City Code Section 17.24.050(17).

1. Setbacks

The applicant has not designated particular house plans for individual lots at this juncture but house plans for the four models to be built in the community include three plans (A, B & C) with zero setbacks while all four plans have setbacks less than those suggested for the R-1 zone. Section 17.60.030(5) of the Sacramento City Code allows the Planning Commission to vary the setback provisions in the R-1A zone as part of a special permit. A condition of the special permit will require that plans be placed on lots only in configurations which allow for at least the setbacks shown on the delivered plans since the size of the lots in the development vary from 3,200 to 3,245 sqft. while the house plans vary from 1,160 sq ft to 1,510 sq ft. Many of the common problems associated with narrow setbacks and/or zero lot lines such as excessive noise and obstructed light and air will not be a concern with senior residents, fewer if any children, and single-story homes. Also, the narrower setbacks provide for less landscaping to maintain for those at or approaching retirement age thereby increasing the possibility of a well

maintained community.

2. Parking/Circulation (Vehicular and Pedestrian)

Parking required for single family residential developments (generally) amounts to one off-street space per dwelling unit according to Section 17.64.020 of the Sacramento City Code. The applicant seeks to develop 75% of the 136 units as models with 2-car garages and the remaining 25% as models with single car garages. Based on these ratios the 136 required off-street parking spaces would be exceeded by 102 spaces. A community center such as that proposed for Sun Meadow requires one parking space per 100 sq ft. At 3,500 sq ft, 35 spaces would be called for. The Tentative Map identifies 53 parking spaces for the community center thereby exceeding the required parking by 18 spaces.

3. Landscaping

The tentative map provides for greater than 50% tree shading on the parking lot for the Clubhouse and recreation area in accordance with Sacramento City Code §17.64.030(H). The project will be conditioned to provide for the required amount of living vegetative ground cover for the front setback area and the street side setback area in accordance with §17.68.010 of the Sacramento City Code.

4. Building design

The proposed project is not in a design review area therefore only the adopted Single Family Residential Design Principles would apply to Sun Meadow. These principles are as follows:

- a. Variation in residences, structures and buildings is achieved through the use of quality materials and detail in design, which lends visual interest, distinctive character and identity to a community.

Staff comments: A condition of approval requiring that at least three distinct elevations for each building plan be provided to achieve the desired variation sought by this principle. Approval will also be conditioned on agreement that no single building type should be built next to the same building type wherever possible. Finally at least two building plans should be available for each lot so as to vary the streetscape.

- b. A clear sense of entry and design interest to a home is provided through the inclusion of porches, verandas, porte cocheres and other architectural elements that contribute to a sense of place and activity.

Staff comments: Each of the four building plans includes covered entryways but none has any discernable porch. The applicant will be encouraged to modify the building designs with porches to encourage interaction within the community.

- c. Minimizing the impact of the garage as viewed by the public realm creates a visual relationship between the front entrance of each home and the street.

Staff comments: Of the four plans submitted with the tentative map, only Plan B has a protruding garage while the others take advantage of a single-car garage or tandem garage parking to present a less dominant street face for the garage door. The design of Plan B does attempt to minimize the protrusion of the garage with a small flush courtyard. Given the density of the development, more effective means of minimizing the garage dominance such as detached garages may not be feasible.

- d. Creative driveway entry walk design, with the use of quality materials, are scaled to the pedestrian, enhancing overall neighborhood appeal.

Staff comments: Again, recessed or detached garages may not be feasible given the small lot size. The applicant has provided for single-car and tandem parked garages allowing for narrower driveways thereby enhancing the appearance of the homes from the street.

- e. Consistent quality and design of landscape elements and sidewalks softens the aesthetics of structures and ties neighborhoods together while contributing to energy efficiency.

Staff comments: The tentative map does not identify proposed street or front yard trees. Approval of the special permit shall be conditioned on the applicant's provision of adequate street and front yard trees to provide for a tree canopy which at maturity enhances the pedestrian experience.

- f. Neighborhood environments are established by the variety of architecture and landscape defined by varied lot widths and setbacks.

Staff comments: Applicant will be required to vary elevations and provide adequate landscaping. Varied setbacks will be encouraged wherever possible given the small lot sizes with the development.

- g. Visual and physical accessibility to public open spaces and parks allows for cohesive neighborhood viability and sustainability.

Staff comments: The applicant is providing a club house and outdoor recreation area with a swimming pool for the residents of Sun Meadow. Physical accessibility is made easy by a street network that is roughly a grid pattern. Visual accessibility is only available to six of the 136 lots.

- h. Through creative design and use of quality materials, perimeter wall and entry elements provide a sense of arrival and identity for neighborhoods.

Staff comments: The masonry wall at the entrance to the community shall be approved by the Planning Director during permit processing for Sun Meadow. Design Review Staff will therefore have an opportunity to ensure that a sense of arrival and identity is establish for the community.

E. Special Permit for Gates

The applicant also seeks a special permit to erect gates restricting access to the proposed development. A two-way gate at the Sunmeadow Drive & Valley Wind Way and an exit-only gate at Sunmeadow Drive & Sunset Avenue would control ingress and egress from the development.

In 1997, the Planning Commission and City Council conducted hearings on a policy for evaluating gated developments. The outcome of the hearings was to adopt a Gated Development Policy. The policy sets forth the following evaluation criteria to be used by the Planning Commission in analyzing gated policies. The evaluation criteria listed below follow with staff's evaluation of each criteria as it pertains to this project:

- A. Will the proposed gate block public access to any existing or proposed park, waterway, school, community center or any other public facility?

Staff's comment: The City's Parks Master Plan proposes a seniors park along Franklin Blvd just east of Sun Meadow. The park would be separated from Sun Meadow by Florin Creek requiring Sun Meadow residents to exit the development onto Sunmeadow Drive in order to gain access to the proposed park. Therefore gates would not create any additional barrier to access from the development or the surrounding neighborhood to the planned park. There are no existing or proposed waterways, schools, community centers or other public facilities in the vicinity of Sun Meadows to which access would be blocked by the gates proposed by the applicant.

2. Will existing or proposed automobile traffic circulation system or patterns be modified by the proposed gated project?

Staff's comments: The private streets proposed are mainly minor

residential streets providing internal circulation to the residents of Sun Meadow. Sunmeadow Drive, the main east/west residential collector street will remain a public street along the northern boundary of the development. Therefore staff is of the opinion that the main circulation routes will not be modified by the proposed gates.

3. Will the proposed gate block public access to any existing or proposed public bike trails or pedestrian pathways?

Staff's comments: On-street bikeways are proposed for Brookfield Drive and Franklin Blvd in the vicinity of Sun Meadow and an off-street bikeway is proposed along Morrison Creek. Existing public streets would be used by the residents of Sun Meadow to access any of these facilities. Gates to Sun Meadow along Sunmeadow Drive would not block access to any of these facilities by existing residents or future residents of Sun Meadow.

4. Is there a concentration of gated developments in the vicinity of the proposed project?

Staff's comments: Creekside is a gated community that is not age-restricted immediately west of Sun Meadow. The remainder of the residential housing in the vicinity of Sun Meadow is not gated including Brookfield Meadows #2 subdivision for 58 units currently under consideration for the property immediately northeast of Sun Meadow.

Usually arguments against gated developments center around the idea that walls create physical and social barriers in communities. These barriers are viewed as a disruption to the physical and social flow between neighborhoods and result in small walled subdivisions that are not part of the surrounding community. A community intended for seniors by definition has an element of separation from the community. Residents enjoy a quieter lifestyle and appreciate less street activity and increased security. Sun Meadow is proposed in an area that is bounded on three sides by creeks. The residents north of Sunmeadow Drive currently enjoy free access to their neighbors while the Creekside development south of Sunmeadow Drive is gated. The Sun Meadow development is also south of Sunmeadow Drive and therefore would not create any additional physical barrier within the community.

In addition to the policy guidelines established by the Gated Development Policy, Sacramento City Code, Section 17.76.070(A), states that a special permit to establish gates shall not be approved unless the planning commission finds that:

1. The project will not impede public access to a public resource or interfere with existing or planned traffic circulation patterns.

Staff's comments: Based upon the discussion of the evaluation criteria, listed above, staff believes the project will not impede public access to any public

resources or interfere with existing or planned traffic circulation patterns given that only internally focused private streets are being restricted.

2. The project is consistent with the objectives of the general plan, community plan, or other local plan for the area in which the project is to be located.

Staff's comments: The gates will not inhibit linkages to a number of land uses such as parks, pedestrian promenades, and other activity centers.

3. The project will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance.

Staff's comments: Staff believes this project will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance.

Staff supports the Special Permit to allow the two-way vehicular gate at the entrance of the proposed development at Valley Wind Way & Sunmeadow Drive and an exit-only gate at Sunmeadow Drive & Sunset Avenue in that: 1) multiple access points are provided for pedestrian traffic; 2) There is not an over-concentration of gated facilities in the vicinity; 3) the proposed project is just south of Franklin Villa which has a reputation for criminal activity; and 4) The overall project is of an age-restricted nature and the gates will provide the privacy and security desired to make such a development successful.

#### PROJECT REVIEW PROCESS:

##### A. Environmental Determination

The Environmental Services Manager has determined the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address Air Quality, Biological Resources, and Cultural Resources. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit 1A).

##### B. Public/Neighborhood/Business Association Comments

The project was routed to Sacramento Regional Transit (RT), the Sacramento Unified School District, Morrison Creek Terrace, Morrison Creek Commons, the Deerfield Neighborhood Association, the Meadowview Development Committee, Meadowview

Community Action, the North Laguna Creek Neighborhood Association, and the Valley Center Neighborhood Association. No community comments have been received.

RT had the following comments:

- Provide additional pedestrian access points possibly at Valley Wind Way & Sunmeadow Drive to encourage transit ridership
- Consider providing shuttle service to the proposed Meadowview light rail station and the closest bus stop along Franklin Blvd.

Staff response: Pedestrian gates have been provided at the main gate at Valley Wind Way and Sunmeadow Drive. Provision of shuttle would present a significant investment for the applicant. The homeowners association to be formed should be encouraged to assess the community residents to provide such a service if the residents deem this to be a prudent use of funds.

The California Regional Water Quality Control Board, Central Valley Region had the following comments:

- A Construction Activities Storm Water General Permit must be obtained prior to construction
- The applicant must certify the project will not violate state water quality standards
- Water Quality Certification must be obtained prior to initiation of project activities if a U.S. Army Corps of Engineers (ACOE) permit is required
- The applicant may be required to file a Dewatering Permit covered under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit

Staff response: This report with the attached letter from the California Regional Water Quality Control Board shall serve as notice to the applicant of these potential requirements.

### C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following summarizes the comments received:

1. **SMUD:** comments have been incorporated as conditions of approval
2. **PG&E:** comments have been incorporated as conditions of approval
3. **County Sanitation District 1:** comments have been incorporated as conditions of approval
4. **Utilities:** comments have been incorporated as conditions of approval

5. **Public Works:** comments have been incorporated as conditions of approval
6. **Parks:** comments have been incorporated as conditions of approval
7. **Fire:** comments have been incorporated as conditions of approval

D. Subdivision Review Committee Recommendation

On May 15, 2002 the Subdivision Review Committee, by a vote of three ayes, voted to recommend approval of the proposed Tentative Map subject to the conditions of approval in the attached Notice of Decision. Further discussions between Public Works staff and legal resulted in the modification of the condition requiring the reservation of an easement over lot P for drainage access and maintenance area to the dedication of Lot P for said purposes.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny the Tentative Map, the Subdivision Modifications, the Special Permits. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact ratifying the **Negative Declaration**;
- B. Adopt the attached Notice of Decision and Findings of Fact approving the **Mitigation Monitoring Plan**;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the **Tentative Map** to create 136 parcels for construction of single family homes and common lots on 12.17 net vacant acres in the Single Family Alternative (R-1A) zone
- D. Adopt the attached Notice of Decision and Findings of Fact approving the **Subdivision modification** to reduce the require public utility easement (PUE) from 12.5' to 10'
- E. Adopt the attached Notice of Decision and Findings of Fact approving the **Special Permit** to construct 136 single family homes on 12.17 net acres in the Single Family Alternative (R-1A) zone

F. Adopt the attached Notice of Decision and Findings of Fact approving the **Special Permit** to construct a gated community for 136 single family homes

Report Prepared By:

Report Reviewed By:

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Fedolia "Sparky" Harris  
Associate Planner

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Tom Pace  
Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Mitigation Monitoring Plan
Exhibit 1B	Tentative Map
Exhibit 1C	Elevations
Attachment 2	Vicinity Map
Attachment 3	Land Use & Zoning Map
Attachment 4	Comment Letters

**REVISED BY STAFF ON JUNE 13, 2002**

Attachment 1

**NOTICE OF DECISION AND FINDINGS OF FACT FOR  
Sun Meadow Retirement Community, LOCATED AT South side of Sunmeadow  
Drive at Valley Way SACRAMENTO, CALIFORNIA IN THE ZONE. (P00-077)**

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At the regular meeting of June 13, 2002, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Ratified the Negative Declaration**
- B. **Approved the Mitigation Monitoring Plan**
- C. **Approved the Tentative Map** to create 136 parcels for construction of single family homes and common lots on 12.17 net vacant acres in the Single Family Alternative (R-1A) zone
- D. **Approved the Subdivision modification** to reduce the require public utility easement (PUE) from 12.5' to 10'
- E. **Approved the Special Permit** to construct 136 single family homes on 12.17 net acres in the Single Family Alternative (R-1A) zone
- F. **Approved the Special Permit** to construct a gated community for 136 single family homes

These actions were made based upon the following findings of fact and subject to the following conditions:

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**FINDINGS OF FACT**

- A. **Negative Declaration:** The City Planning Commission approves the Negative Declaration (the Negative Declaration is approved), based upon the following findings:
  - 1. The Negative Declaration was prepared and circulated for the above-identified project pursuant to the requirements of CEQA;

2. The proposed Negative Declaration and comments received during the public review process were considered prior to action being taken on the project;
3. Based upon the Initial Study and the comments received during the public review process, there is no substantial evidence that the project will have a significant effect on the environment.

B. Mitigation Monitoring Plan: The Mitigation Monitoring Plan is approved based upon the following findings of fact:

1. One or more mitigation measures have been added to the above-identified project;
2. A Mitigation Monitoring Plan has been prepared to ensure compliance and implementation of the mitigation measures for the above-identified project, a copy of which is attached as Exhibit 1A;
3. The Mitigation Monitoring Plan meets the requirements of Public Resources Code Sec. 21081.6.
4. The Mitigation Monitoring Plan is approved, and the mitigation measures shall be implemented and monitored as set forth in the Plan.

C. Tentative Subdivision Map: The Tentative Map to create 136 parcels for construction of single family homes and common lots on 12.17 net vacant acres in the Single Family Alternative (R-1A) zone is approved based on the following findings of fact and subject to conditions of approval:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision;
2. The proposed subdivision, together with the provision for its design and improvement, is consistent with the City General Plan, South Sacramento Community Plan, and the City Subdivision Ordinance; and
3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Control Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision.
4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

- D. Subdivision Modification: The Subdivision Modification to deviate from the 12.5' requirements is approved based on the following findings of fact:
1. The cost to the subdivider of strict compliance with the regulation is not the sole reason for granting the modification in that either granting or not granting the proposed modification does not alter the cost to the subdivider;
  2. The granting of the modification is in accord with the intent and purposes of the Subdivision Regulations and is consistent with the General Plan and the South Sacramento Community Plan in that the proposed use, size, shape and design of the lots will result in a well-designed subdivision.
  3. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;
- E. Special Permit for Residential Units: The Special Permit to construct 136 single family homes on 12.17 net acres in the Single Family Alternative (R-1A) zone is approved based on the following findings of fact and subject to conditions of approval:
1. The project is based upon sound principles of land use in that:
    - a. The project use is compatible with the uses in the vicinity of the project site in that the surrounding developments consist of similar single-family uses;
    - b. Adequate landscaping, vehicle circulation, maneuvering, and parking is provided; and
    - c. The architectural design of the proposed buildings is compatible with other residential development in the vicinity of the proposed site.
  2. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the site design and the building design are compatible with the area; and
  3. The project is consistent with policies in the General Plan and South Sacramento Community Plan which designates the site as Low Density Residential 4-15 du/na and Residential 7-15 du/na, respectively.

- F. Special Permit for Gates: The Special Permit to construct a gated community for 136 single family homes is approved based on the following findings of fact and subject to conditions of approval:
1. The project, as conditioned, will not impede public access to a public resource or interfere with existing or planned traffic circulation patterns due to the lack of appurtenant public resources;
  2. The project is consistent with City regulations and guidelines relating to the establishment of gated developments because the development does not create unnecessary barriers between neighborhoods;
  3. The project is consistent with the objectives of the general plan, community plan, or other local plan for the area in which the project is to be located because the proposed density and land uses comply with both of the existing plans; and
  4. The project will not be detrimental to the public health, safety or welfare, or result in the creation of a nuisance because the project as proposed establishes uses similar to those that already existing in the surrounding neighborhood.

#### **CONDITIONS OF APPROVAL**

- C. Tentative Map: The Tentative Map to create 136 parcels for single family homes is approved subject to the following conditions:
- C1. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Improvements required for each phase shall be determined by the City prior to recording that phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. Off-site water, sewer, and drainage main extensions shall be required. The Department of Utilities requires that a 12 inch water main be extended from Sunmeadow Drive to Franklin Boulevard in order to maintain a sustainable pressure within the subdivision.;
  - C2. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
  - C3. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Department of Public Works after consultation with the U.S. Postal Service;

- C4. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept on file in, the Planning Division Office (P00-077);
- C5. Show all continuing and proposed/required easements on the Final Map;
- C6. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition;
- C7. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Department of Public Works along the southerly side of Sun Meadow Drive adjacent to the project;
- C8. Submit a Geotechnical Analysis prepared by a registered engineer to be used in street design. The analysis shall identify and recommend solutions for groundwater related problems which may occur within both the subdivision lots and public right-of-way. Construct appropriate facilities to alleviate those problems. As a result of the analysis street sections shall be designed to provide for stabilized subgrades and pavement sections under high groundwater conditions;
- C9. Construct Sun Meadow Drive within the existing street dedication from it's present terminus at Valley Wind Way easterly to Franklin Boulevard. The half-section of Sun Meadow Drive shall consist of the following: 17'-6" asphaltic concrete pavement, vertical curb and gutter, 4'-6" portland cement concrete sidewalk, 2'+ area behind sidewalk. A minimum of 12' of pavement shall be provided on the north side of the street to accommodate westbound vehicular traffic.
- C10. Construct A.D.A. compliant ramps at the southeasterly and southwesterly corners of the intersection of the main entrance to the project and Sunmeadow Drive. This may include construction of compliant ramps on opposite sides of the street;
- C11. Design private streets to meet the City standard 41 foot street cross section. Private streets shall be inspected to the satisfaction of the Department of Public Works. The streets shall conform to those policies contained in the Sacramento City Council Resolution No. 93-110, adopted 3/9/93;
- C12. Designate private streets as Public Utility Easements;
- C13. Provide a standard driveway at the emergency exit to Sun Meadow Drive near the easterly subdivision boundary;

- C14. Design the gated entrance to allow vehicles to turn around without backing onto Sun Meadow Drive to the satisfaction of the Traffic Engineer and the Fire Department. A distance of 60 feet shall be provided between the gate controller and the right of way line of Sun Meadow Drive to lessen the chance of vehicular stacking into the public street;
- C15. Secure gated entries in a manner approved by the Fire and Police Departments;
- C16. If the applicant wants the City to maintain and operate the on-site storm drainage facilities, a written request must be filed with the Department of Utilities (per Sacramento City Council Resolution No. 93-110, adopted 3/9/93,.) This request must include a written proposal and procedure that guarantees City maintenance unlimited access to the subdivision;
- C17. Dedicate the full width of the private streets and a strip of land 3 feet in width lying contiguous to the private streets as an easement for the water distribution, fire hydrants, and water main appurtenances and storm drainage system. Department of Utility personnel and maintenance vehicles shall be assured of unrestricted access to any private streets and easements at all times. All water facilities within the subdivision shall be constructed to City standards and approved by the Department of Utilities prior to acceptance of maintenance responsibilities;
- C18. Dedicate a standard 12.5 foot public utility easement (PUE) for overhead and underground facilities and appurtenances adjacent to Sun Meadow Drive;
- C19. Dedicate any private drive, ingress and egress easement, and 10 feet adjacent thereto as a public utility easement (PUE) for underground facilities and appurtenances;
- C20. Dedicate Lots D, E, F, G, H, I, J, K, L, and O, the landscape corridors, as a public utility easement (PUE) for underground facilities and appurtenances;
- C21. Dedicate Lot N and the parking areas as a public utility easement (PUE) for underground facilities and appurtenances except for those areas where structures or pool are located;
- C22. Dedicate Lot P in fee as a drainage access and maintenance area;
- C23. The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project to an existing parks maintenance district prior to recording a Final Map. The applicant shall pay all city fees for formation of or annexation to special districts. The purpose of the district is to equitably spread the cost of neighborhood park maintenance on the basis of special benefit, in the case of

an assessment district. In the case of a special tax district, the costs will be spread upon hearing report which specifies the tax rate and method of apportionment;

- C24. As determined by the City Landscape Architect Section (LAS), submit to the City an appraisal of the property to be subdivided and pay the required Parkland dedication in-lieu fees per City Code Section 16.64.010 (Parkland Dedication). The applicant may apply for private facility credit provided the applicant presents proof of a written agreement, recorded covenants running with the land, or other contractual instrument that states the areas shall be adequately maintained and that recreational use shall not be changed;
- C25. Title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City;
- C26. Form a Homeowner's Association. CC&R's shall be approved by the City and recorded to assure maintenance of private roadway(s). The Homeowner's Association shall maintain all private streets, lights, sewers, drains and water systems;
- C27. Prior to or concurrent with the submittal of improvement plans, the applicant must provide the Department of Utilities with the average day water system demands, the fire flow demands, and the proposed points of connection to the water distribution system for the proposed development. The Department of Utilities can then provide the "boundary conditions" for the design of the water distribution system. The water distribution system shall be designed, per Section 13.4 of the Design and Procedures Manual, to satisfy the more critical of the two following conditions.
- a. At maximum day peak hour demand the operating or "residual" pressure in the area of the fire shall not be less than 30 pounds per square inch.
  - b. At average maximum day demand plus fire flow, the operating or "residual" pressure in the area of the fire shall not be less than 20 pounds per square inch.

The method and calculations for the design of the water distribution system shall be reviewed and approved by the Department of Utilities prior to improvement plan approval.

Provide two points of connections to the public water distribution system for this subdivision.

- C28. The full width of the private streets shall be dedicated as public utility easement for the water distribution system. An additional 3 feet adjacent to all the streets shall also be dedicated as an easement for water distribution system appurtenances such as hydrants and water meters. All water facilities within the subdivision shall be constructed to City standards and approved by the Department of Utilities prior to acceptance of maintenance responsibilities. The easement shall include language assuring Department of Utilities' personnel and maintenance vehicles unrestricted access to any private streets and easements at all times.
- C29. Construction of public and private collector sewer will be required to the satisfaction of the Sacramento County Sanitation District No.1 (CSD-1). The on-site sewer system shall conform to Section 7-16 of the Sacramento County Improvement Standards. Provision for on-site collector sewer maintenance shall be contained in a street maintenance agreement for the project. The District will provide maintenance only in easements dedicated to CSD-1, or public right-of -ways;
- C30. A sewer study shall be required to the satisfaction of CSD-1 prior to the submittal of improvement plans;
- C31. Gravity sewer service may not be available to the entire project area. Sacramento County Improvement Standards apply to on-site sewer construction;
- C32. Developing this property may require the payment of additional sewer impact fees. Applicant shall contact the Fee Quote Desk at 876-6100 for sewer impact fee information;
- C33. A drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual is required. This study and shed map shall be approved by the Department of Utilities. The 10-year and 100- year HGL's shall be shown on the improvement plans. The 10-year HGL shall be no higher than 6 inches below the lowest DI. Finished lot pad elevations shall be a minimum of 1.00 foot above the 100- year HGL and approved by the Department of Utilities. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of stormwater runoff. The study shall include an overland flow release map for the proposed project. Lot pad elevations shall be a minimum of 1.5 feet above the controlling

overland flow release elevation. The drainage study for this site shall include the information from brookfield meadows unit 2, (north of sun meadow drive) and Sump 115 at the intersection of Brookfield drive and Morrison creek. The drainage study shall be consistent with the most current drainage standards and may require oversizing of downstream improvements or construction of on-site detention.

- C34. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.
- C35. A grading plan showing existing and proposed elevations is required. adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
- C36. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Only source control measures are required. Refer to the "Guidance Manual for On-site Stormwater Quality Control Measures," dated January 2000, for appropriate source control measures.
- C37. This project is greater than 5 acres, therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained from the Department of Utilities by calling 264-1400.

**Advisory Notes (Not Conditions of Approval)**

- C38. Prior to the issuance of any building permits, provide the City with a copy of the certificate of payment of any school fees for the applicable school district(s);
- C39. The proposed project is located in the 100 year floodplain, designated as an AH zone (elevation 17 feet) on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) dated July 6, 1998. All new residential structures shall be constructed with the lowest floor, including basement, a minimum of one foot above the BFE. An elevation certificate will be required with the building permit application and before final inspection. Structures built with the lowest adjacent grade at or above the BFE may apply to

FEMA for a Letter of Map Revision (LOMR) to remove the structure from the Special Flood Hazard Area.

SAFCA is designing a project to raise the elevation of the adjacent levees.

The plans are currently 95% complete. These plans indicate areas of additional right of way to be required, and the method of raising the levees. In addition, temporary construction easements are anticipated along both Florin Creek and Elder Creek. Please contact SAFCA's consultant, (Jerry Plotner of Parsons Brinckerhoff) for the most current information available.

- C40. If the applicant wants the City to maintain and operate the on-site storm drainage facilities, a written request must be filed with the Department of Utilities (per the Policy for Private Streets in Residential Areas).
- E. Special Permit for Residential Units: The applicant shall satisfy each of the following conditions prior to obtaining any building permit:
- E1. The applicant shall comply with Sacramento City Code §17.68.010 related to vegetative ground cover for the front yard setback areas and the street side setback areas prior to the issuance of Certificates of Occupation.
  - E2. At least three distinct elevations shall be provided for each building plan prior to issuance of building permits.
  - E3. No two building plans with identical elevations shall be constructed on adjacent lots.
  - E4. At least one additional distinctly different building plan that does not encroach on the permitted 10' front setback shall be provided for the 55' x 59' lots prior to the issuance of building permits.
  - E5. At least one additional distinctly different building plan that does not encroach on the permitted 10' front setback shall be provided for the standard 40' x 80' lots prior to the issuance of building permits.
  - E6. The Special Permit approval is conditioned upon adherence to the type building materials identified on the architectural renderings provided with the tentative map and approval of the building colors by the Planning Director prior to the issuance of building permits.

- E7. The Special Permit approval is conditioned upon the provision of a comprehensive landscaping plan approved by the Planning Director prior to the issuance of building permits.
- E8. The Special Permit approval is conditioned upon the provision of architectural renderings of the masonry wall at the entrance to Sun Meadow approved by the Planning Director prior to the issuance of building permits.
- E9. Prior to or concurrent with the submittal of improvement plans, the applicant must provide the Department of Utilities with the average day water system demands, the fire flow demands, and the proposed points of connection to the water distribution system for the proposed development. The Department of Utilities can then provide the "boundary conditions" for the design of the water distribution system. The water distribution system shall be designed, per Section 13.4 of the Design and Procedures Manual, to satisfy the more critical of the two following conditions.
- a. At maximum day peak hour demand the operating or "residual" pressure in the area of the fire shall not be less than 30 pounds per square inch.
  - b. At average maximum day demand plus fire flow, the operating or "residual" pressure in the area of the fire shall not be less than 20 pounds per square inch.
- The method and calculations for the design of the water distribution system shall be reviewed and approved by the Department of Utilities prior to improvement plan approval.  
Provide two points of connections to the public water distribution system for this subdivision.
- E10. The full width of the private streets shall be dedicated as public utility easement for the water distribution system. An additional 3 feet adjacent to all the streets shall also be dedicated as an easement for water distribution system appurtenances such as hydrants and water meters. All water facilities within the subdivision shall be constructed to City standards and approved by the Department of Utilities prior to acceptance of maintenance responsibilities. The easement shall include language assuring Department of Utilities' personnel and maintenance vehicles unrestricted access to any private streets and easements at all times.
- E11. Only one domestic water service will be allowed per parcel. Any new domestic water services shall be metered.
- E12. The proposed development is located within Sacramento County Sanitation District No. 1. Meet all County Sanitation District requirements. (Call 875-6820)

- E13. A drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual is required. This study and shed map shall be approved by the Department of Utilities. The 10-year and 100-year HGL's shall be shown on the improvement plans. The 10-year HGL shall be no higher than 6 inches below the lowest DI. Finished lot pad elevations shall be a minimum of 1.00 foot above the 100-year HGL and approved by the Department of Utilities. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of stormwater runoff. The study shall include an overland flow release map for the proposed project. Lot pad elevations shall be a minimum of 1.5 feet above the controlling overland flow release elevation.
- E14. The proposed project is located in the 100 year floodplain, designated as an AH zone (elevation 17 feet) on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) dated July 6, 1998. All new residential structures shall be constructed with the lowest floor, including basement, a minimum of one foot above the BFE. An elevation certificate will be required with the building permit application and before final inspection. Structures built with the lowest adjacent grade at or above the BFE may apply to FEMA for a Letter of Map Revision (LOMR) to remove the structure from the Special Flood Hazard Area.
- E15. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.
- E16. A grading plan showing existing and proposed elevations is required. adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
- E17. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Only source controls measures are required. Refer to the "Guidance Manual for On-site Stormwater Quality Control Measures," dated January 2000, for appropriate source control measures.
- E18. This project is greater than 5 acres, therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained from the Department of Utilities by calling 264-1400.

**Advisory Note (Not a Condition of Approval)**

E19. SAFCA is designing a project to raise the elevation of the adjacent levees. The plans are currently 95% complete. These plans indicate areas of additional right of way to be required, and the method of raising the levees. In addition temporary construction easements are anticipated along both Florin Creek and Elder Creek. Please contact SAFCA's consultant, (Jerry Plotner of Parsons Brinckerhoff) for the most current information available.

F. Special Permit for Gates: The applicant shall satisfy each of the following conditions prior to obtaining any building permit:

F1. The Special Permit approval is conditioned upon compliance with applicable Federal laws related to an age-restricted or age-qualified community for seniors aged 55 and older.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
SECRETARY TO CITY PLANNING COMMISSION

\_\_\_\_\_  
DATE (P00-077)

- Exhibit 1A Mitigation Monitoring Plan
- Exhibit 1B Site Plan
- Exhibit 1C Floorplans
- Exhibit 1D Elevations

Exhibit 1A - Mitigation Monitoring Plan

MITIGATION MONITORING PLAN

FOR

Sun Meadow Retirement Community / P00-077

Type of Environmental Document:  
**Initial Study and Mitigated Negative Declaration**

Prepared For:  
**City of Sacramento, Planning & Building Department**

Date:  
**01 May 2002**

Adopted By:  
**City of Sacramento, Planning Commission**

Date:

\_\_\_\_\_  
Attest:

\_\_\_\_\_  
**Secretary**

CITY OF SACRAMENTO  
MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been required by and prepared for the Planning and Building Department, 1231 I Street, Suite 300, Sacramento, CA 95814, (916) 264-5381, pursuant to CEQA Guidelines Section 21081.

**SECTION 1: PROJECT IDENTIFICATION**

Project Name and/or File Number: Sun Meadow Retirement Community / P00-077

Applicant - Name: Nolte Associates, Inc./ Bridgette Williams - contact

Project Location / Legal description of Property (if recorded): The project is located on APN 119-0220-062. The parcel is located west of Franklin Boulevard and is bounded by Sun Meadow Drive to the north, by Florin Creek to the east, Morrison Creek to the south, and residential development to the west in the City of Sacramento, Sacramento County, California

**SECTION 2: GENERAL INFORMATION**

The project as proposed includes mitigation measures for potential impacts to air quality, biological resources, and cultural resources. The intent of the Monitoring Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified in the Initial Study for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the owner/developer. The number system of the mitigation measures matches the numbering system of the Initial Study.

**Air Quality****Mitigation: 5-1. Phase I (Grading) – Short Term Impacts**

The SMAQMD provided the following mitigation measures to reduce the emission of ROG, NO<sub>x</sub>, and PM<sub>10</sub> (personal communication, Phil Stafford, Sacramento Air Quality Management District):

- a. Prior to approval, all grading plans will show that the construction contractor shall enclose, cover, or water all soil piles twice daily.
- b. Prior to approval, all grading plans will show that the construction contractor shall water all exposed soil twice daily.
- c. Prior to approval, all grading plans will show that the construction contractor shall water all haul roads twice daily.
- d. Prior to approval, all grading plans will show that the construction contractor shall maintain at least two feet of freeboard on trucks when hauling loads.
- e. Prior to approval, all construction plans will show that the construction contractor shall maintain a fifteen-mile per hour speed limit on all dirt roads within the project site.
- f. The construction contractor shall maintain construction equipment (stationary and mobile) in optimum running condition.
- g. Prior to approval, all construction plans will show that the construction contractor shall stabilize all construction entrances to the site pursuant to the Administrative

- and Technical Procedures Manual for Grading and Erosion and Sediment Control to reduce or eliminate the tracking of sediment onto public rights-of-way or streets.
- h. The prime contractor shall provide a plan for approval by the City of Sacramento demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20% NO<sub>x</sub> reduction and 45% particulate reduction compared to the most recent California Air Resources Board fleet average.
  - i. The prime contractor shall submit to the City of Sacramento a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the prime contractor shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
  - j. The prime contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the City of Sacramento shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.

**Entities Responsible for Ensuring Compliance:**

The City of Sacramento, Planning and Building Department  
The City of Sacramento, Public Works, Building Inspection  
The City of Sacramento, Public Works, Construction Inspection (if in City right-of-way)

**Monitoring Program:**

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Department and/or the Public Works Department shall verify that the project developer has included Mitigation Measures 5-1 on all plans. Periodic inspections by the Public Works Construction Inspector or Building Inspector will ensure compliance.

**Biological Resources**

**Mitigation: 7-1. Plants**

**7-1:** Implementation of mitigation measure 7-1 will reduce potential impacts to Dwarf downingia (*Downingia pusilla*), Legenere (*Legenere limosa*), Sacramento orcutt grass (*Orcuttia viscida*), and Slender orcutt grass (*Orcuttia tenuis*).

- A qualified botanist will conduct a botanical survey for these species during the appropriate blooming period provided in Table 7-5.

Table 7-5. Blooming Periods.

Special-Status Plant Species	Blooming Period
Dwarf downingia ( <i>Downingia pusilla</i> )	March-May
Legenere ( <i>Legenere limosa</i> )	May-June
Sacramento orcutt grass ( <i>Orcuttia viscida</i> )	May-June
Slender orcutt grass ( <i>Orcuttia tenuis</i> )	May-July

- If not found, no further mitigation is required.
- If found, the following mitigation measures will be implemented:
  - Avoid potential impacts to populations of these plants through project design; and,
  - Establish (e.g., temporary fence) environmentally sensitive areas around the avoided populations prior to construction and maintain them during construction; and,
  - Establish a deed restriction and construct permanent barriers around the avoided populations to protect them in perpetuity; or,
  - Purchase or obtain conservation easements for off-site land suitable for these species. Prepare a mitigation and monitoring plan in accordance with agency guidelines (DFG guidelines will be used for dwarf downingia and legenere; USFWS guidelines will be used for the orcutt grasses), salvage existing seed bank, and establish new populations at an off-site location.

**Entities Responsible for Ensuring Compliance:**

The City of Sacramento, Planning and Building Department  
 The City of Sacramento, Public Works, Building Inspection  
 The City of Sacramento, Public Works, Construction Inspection (if in City right-of-way)

**Monitoring Program:**

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Department shall verify that the project developer has conducted the surveys. If any of these species are found, the appropriate mitigation measure(s) shall be implemented and proof of implementation shall be

provided to the City of Sacramento. Periodic inspections by the Public Works Construction Inspector or Building Inspector will ensure compliance.

**Mitigation 7-3. Swainson's hawk (*Buteo swainsoni*) - Foraging**

- The developer shall provide Habitat Management (HM) lands pursuant to DFG recommendations. DFG recommends that projects regulated by CEQA mitigate for the loss of Swainson's hawk foraging habitat by providing HM lands at the following ratios (DFG 1994):
  - Projects within 10 miles of an active nest tree (an "active" nest is defined as one that has been used at least once in the past five years), but greater than 5 miles from the nest tree, shall provide 0.5 acre of HM land for each acre developed (0.5:1 ratio). All HM land may be protected through fee title acquisition or conservation easement on any land that provides suitable foraging habitat, including agricultural lands.
  - In addition to the Habitat Management lands, the project applicant shall provide for the long-term management of the HM lands by providing an endowment at the DFG established rate.

**Entities Responsible for Ensuring Compliance:**

The City of Sacramento, Planning and Building Department  
The City of Sacramento, Public Works

**Monitoring Program:**

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Department and/or the Public Works Department shall verify that the project developer has obtained the necessary DFG approved mitigation credits.

**Mitigation 7-4. Western burrowing owl (*Athene cunicularia*) – Noise and vibration**

- Prior to the issuance of a grading permit, the project applicant will have a qualified biologist conduct DFG protocol western burrowing owl nesting surveys and implement follow-up mitigation if necessary. (The project applicant will coordinate with the City of Sacramento to obtain permission from appropriate landowners and agencies to access properties to conduct surveys.) The applicant will provide the City of Sacramento Planning and Building Department with documentation of the results of the surveys and any requirements for further mitigation. If no active nests are found, no further nesting mitigation is required.
- If western burrowing owl nests are found, the project applicant will implement the suggested DFG burrowing owl mitigation (17 October 1995) as follows:
  - No construction activities that could result in nest abandonment or forced fledging will occur during the breeding season (February 1 to August 31) within 250 feet of active burrows.

- No construction activities that could result harassment of burrowing owls will occur during the non-breeding season (September 1 to January 31) within 160 feet of active burrows.
- If construction activities within 250 feet of active burrows during the breeding season are necessary, passive relocation techniques will be used to remove western burrowing owls from active burrows under direction from DFG. One-way doors should be installed and left in place for a minimum of 48 hours to insure that owls are not present in the burrow before excavation commences. (The project applicant will obtain permission from appropriate landowners and agencies to access properties upon which burrows are to be passively relocated, e.g., levee banks.)
- Two natural or artificial burrows will be provided for each active burrow that will be lost. Before excavating burrows, the study area will be monitored daily for one week to confirm that owls have not returned. Burrows will be excavated using hand tools to avoid injury to any owl remaining inside burrows.

**Entities Responsible for Ensuring Compliance:**

The City of Sacramento, Planning and Building Department  
The City of Sacramento, Public Works

**Monitoring Program:**

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Department and/or the Public Works Department shall verify that the project developer has obtained the necessary DFG approved mitigation credits.

**Mitigation 7-5. Western burrowing owl (*Athene cunicularia*) – Foraging**

- The DFG protocol western burrowing owl nesting survey (Mitigation Measures 7-3) will determine if active western burrowing owl nests are located within 100 meters of the project site. To offset the loss of foraging habitat within 100 meters of active burrowing owl nests, the applicant shall acquire and permanently protect a minimum of 6.5 acres of foraging habitat per pair or unpaired resident bird. The protected lands shall be adjacent to occupied burrowing owl habitat and at a location acceptable to DFG.

**Entities Responsible for Ensuring Compliance:**

The City of Sacramento, Planning and Building Department  
The City of Sacramento, Public Works

**Monitoring Program:**

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Department and/or the Public Works Department shall verify that the project developer has obtained the necessary DFG approved mitigation credits.

**Mitigation 7-7. Jurisdictional Seasonal Wetlands**

- Prior to issuance of a grading permit, the project applicant will submit a wetland mitigation and monitoring plan to the City.
  - The mitigation plan will describe the area of jurisdictional wetlands to be filled.
  - The mitigation plan will describe how 0.073 acre of seasonal wetlands will be mitigated. Mitigation may include the purchase of wetland mitigation credits at a Corps approved mitigation bank.
  - A copy of the bill of sale verifying the purchase will be included in the mitigation plan.
- Prior to issuance of a grading permit, the project applicant shall provide the City of Sacramento with evidence that a Section 404 CWA permit has been obtained from the Corps.

**Entities Responsible for Ensuring Compliance:**

The City of Sacramento, Planning and Building Department  
The City of Sacramento, Public Works, Building Inspection  
The City of Sacramento, Public Works, Construction Inspection (if in City right-of-way)

**Monitoring Program:**

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Department and/or the Public Works Department shall verify that the project developer has obtained the wetland mitigation credits.

**CULTURAL RESOURCES****Mitigation 13-1. Paleontological Finds**

- If subsurface paleontological resources are discovered during excavation or construction of the site, work within 100 feet of the affected area shall stop immediately and a qualified paleontologist shall be consulted to develop, if necessary, further mitigation measures to reduce any impact to a less than significant level before construction continues.

**Entities Responsible for Ensuring Compliance:**

The City of Sacramento, Utilities Department  
The City of Sacramento, Planning & Building Department  
The City of Sacramento, Public Works, Development Services

**Monitoring Program:**

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Department, and/or the Public Works Department, and/or the Utilities Department shall verify that the project developer has included Mitigation Measure 13-1 on all plans.

**Mitigation 13-2. Archeological Finds**

- If subsurface archaeological or historical remains (including, but not limited to, unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work within 100 feet of the affected area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

**Entities Responsible for Ensuring Compliance:**

The City of Sacramento, Utilities Department  
The City of Sacramento, Planning & Building Department  
The City of Sacramento, Public Works, Development Services

**Monitoring Program:**

Prior to issuance of any Grading Permits and/or Improvement Plans, the Building Department, and/or the Public Works Department, and/or the Utilities Department shall verify that the project developer has included Mitigation Measure 13-1 on all plans.